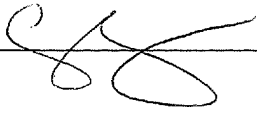
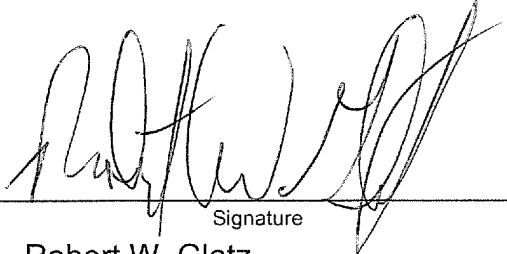


PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		5670-29	
I hereby certify that this correspondence is being transmitted electronically to the U.S. Patent and Trademark Office on <u>August 18, 2008</u> Signature <u></u> Typed or printed name <u>Carey Gregory</u>		Application Number 10/696,098	Filed 10/29/03
		First Named Inventor David J. Lineman	
		Art Unit 2145	Examiner J. Swearingen
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 20px;"><div style="width: 45%;"><p>I am the</p><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input checked="" type="checkbox"/> attorney or agent of record. 36,811 Registration number _____</p><p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p></div><div style="width: 50%; text-align: center;"> _____ Signature Robert W. Glatz _____ Typed or printed name 919-854-1400 _____ Telephone number August 18, 2008 _____ Date</div></div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<div style="border: 1px solid black; padding: 5px;"><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</div>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: David J. Lineman	Examiner: Jeffrey R. Swearingen
Application No.: 10/696,098	Group Art Unit: 2145
Filed: October 29, 2003	Confirmation No. 6619
For: METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR MULTI- PROTOCOL SELF-SERVICE APPLICATION ACCESS	

August 18, 2008

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REASONS IN SUPPORT OF APPELLANTS' PRE-APPEAL
BRIEF REQUEST FOR REVIEW**

Sir:

This document is submitted in support of the Pre-Appeal Brief Request for Review filed concurrently with a Notice of Appeal in compliance with 37 C.F.R. 41.31 and with the rules set out in the OG of July 12, 2005 for the New Appeal Brief Conference Pilot Program.

No fee or extension of time is believed due for this request other than those submitted with the petition for extension of time filed concurrently herewith. However, if any further fee or extension of time for this request is required, Applicants request that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

REMARKS

Applicants hereby request a Pre-Appeal Brief Review (hereinafter "Request") of the claims finally rejected in final Office Action mailed April 30, 2008 ("Final Action") and the Advisory Action mailed July 9, 2008 ("Advisory Action"). The Request is provided herewith in accordance with the rules set out in the OG dated July 12, 2005.

Claims 13, 15-23, 25, 27-28 and 30-31 stand rejected under 35 U.S.C. § 112 as failing to comply with the written description requirement. Final Action, p. 3. Based on the discussions during the interview of June 9, 2008, it was Applicant's understanding that agreement was reached to withdraw the Section 112 rejections. However, while the Advisory Action did not expressly state the Section 101 rejections were withdrawn, no comments were

provided regarding the Section 112 rejections. In any event, Applicant submits the amendment to the specification does not introduce new subject matter to the specification as alleged in the Final Action and the rejections under Section 112 should be withdrawn for at least these reasons.

Claims 1, 3-10, 12-13, 15-23 and 25-31 stand rejected as anticipated under 35 U.S.C. § 102(b) over United States Patent No. 6,466,783 to Dahm *et al.* ("Dahm"). Final Action, p. 2. Applicant respectfully submits the rejected claims are allowable at least as the rejections of the independent claims are based on a clear error in the characterization of the teachings of Dahm. In particular, the rejection is based on a mischaracterization of Dahm as teaching the recited "determining whether a protocol of the received request is a wireless or wired protocol" and selective transmission of a "responsive query including a challenge question." Furthermore, with respect to the term "challenge question," the rejection is based on a clearly overly broad interpretation of the term. Applicant respectfully requests review of the present application by an appeal conference prior to the filing of an appeal brief. In the interest of brevity and without waiving the right to argue additional grounds should this Petition be denied, Applicant will only discuss the above listed issues raised by the rejections of independent Claims 1, 13 and 25.

In rejecting independent Claim 1, the Office Action asserts, among other things, that Dahm discloses determining whether a protocol of a received request is wireless or wired (or at least "specifically specifies the use of both wired and wireless networks"). Final Action, p. 3. As will be described more fully below, Dahm contains no such teachings, it merely describes an interface provided by a network provider of mobile terminal wireless services to allow a user of a mobile terminal using the services to efficiently access/modify those services from the mobile terminal.

As described in Dahm, mobile service providers are challenged in providing cost-effective customer service to subscribers, particularly as conventional approaches, like automated interactive voice response (IVR) may use too much expensive "airtime" when accessed over the wireless network. Dahm, Col. 1, lines 21-38. As such, Dahm provides "a mechanism that allows mobile subscribers to easily access the mobile subscriber account services." Dahm, Col. 1, lines 21-38. As described in Dahm, "each of client devices serviced

by server device 200 has a unique device ID that corresponds to a respective user account in server device 200." Dahm, Col. 6, lines 45-48. In other words, because the access by the mobile terminal is limited to mobile subscriber account services for that mobile terminal, the access by the mobile terminal is self-validating as the service is assigned to the device by a unique device ID contained in communications to the mobile service provider. Access to the service is further described with reference to the flowchart of Figures 6A and 6B of Dahm as follows:

To prevent possible unauthorized access to the user account with respect to the client device, an account manager in the server device, at 606, proceeds with an access verification that may include a verification of the request by, for example, comparing the device identification from the client device with a corresponding device identification in the user account. If the device identifications are matched, the access is permitted at 608. Further, if necessary, a secure session may be established by exchanging encryption keys from both sides. (emphasis added)

Dahm, Col. 10, lines 35-45. As such, not only does Dahm fail to disclose "selectively transmitting a responsive query including a challenge question to validate the user access request" as recited in independent Claim 1, it teaches away from such an approach as it validates access based on a device ID, not prompted inputs from a user of the device.

Furthermore, while the Final Action is correct that Dahm does mention both wired and wireless networks (landnet 100 and airnet 102, Figure 1), Applicant is unable to find any discussion of allowing access to user accounts responsive to requests from the landnet 100. In fact, as the verification of authorized access is only described as being based on the unique device ID of the mobile device 106, Dahm teaches away from allowing requests received from landnet 100, as the described access methodology would be inoperative. Thus, as only wireless protocol requests are received, Dahm, if anything, teaches away from "determining whether a protocol of the received request is a wireless or wired protocol" as also recited in independent Claim 1.

Paragraph 4 of the Response to Arguments asserts "Applicant argues Dahm fails to disclose determining whether a protocol of a received request is wireless or wired" and asserts such is taught by the disclosure of both UDP and HTTP interfaces in Dahm. Final Action, p. 2. As an initial matter, Applicant agrees that both wireless and wired network

interfaces are disclosed, for example, in Figure 2A of Dahm. However, reliance on this portion of Dahm is not relevant to the arguments presented by Applicant. In Dahm, the alleged request is always received over the wireless network as Dahm is particularly directed to "visual interfaces to mobile subscriber account services suitable for mobile devices." Dahm, Abstract. Thus, Dahm fails to disclose a system or method where requests may be received from both and, based on a determination of the protocol of the request, a responsive query is formatted differently. Dahm clearly fails to even suggest such an approach as all requests and responses thereto are formatted using a wireless protocol.

The Advisory Action adds additional reliance on Column 10, lines 51-55 of Dahm and asserts that, if a wireless device is present, "information is modified for the appropriate wireless protocol" and if "client is not wireless, it is treated as normal wired (e.g. HTML)." Advisory Action, continuation sheet. Applicant submits this is a clear error in understanding the disclosure of Dahm. As noted above, Dahm is directed to providing account access services to wireless devices. The reference to HDML in the cited portion of Dahm is related to transmission and display of information on such a wireless device, not to an alternative to the formatting for a wireless network described with reference to Block 612. In other words, an HDML language file is formatted for transmission over a wireless network.

Paragraphs 5 and 6 of the Response to Arguments in the Final Action assert that the exchange of encryption keys to establish a secure connection in Dahm discloses selective transmission of a challenge question. Final Action, p. 2. As discussed above, such an exchange is clearly not "selectively transmitting." Furthermore, a conventional exchange of keys to establish a secure connection using encryption bears no relation to controlling access or transmission of a challenge question prior to providing access, it relates to setting up a secure connection to an already accepted requestor that will not be readable by others. Thus, for example, such an exchange of keys may occur in embodiments of the present invention after a challenge question is sent and a response is validated to allow further secure communications between a validated user and the self-service application.

Accordingly, the rejections of Claim 1 and the claims depending therefrom should be withdrawn for at least these reasons.

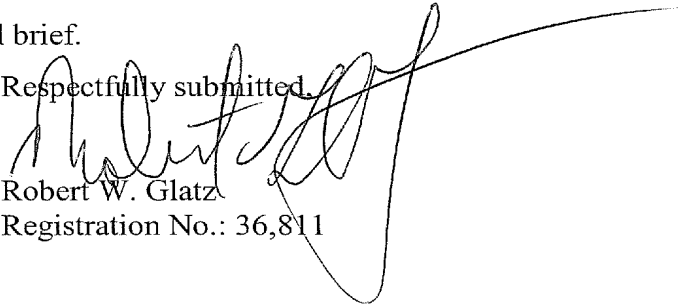
In re: Lineman
Serial No.: 10/696,098
Filed: October 29, 2003
Page 5

In addition, in response to Applicant's arguments regarding the recitation of a "challenge question," the Advisory Action asserts that "a challenge question must be treated as an authentication system based on its broadest reasonable interpretation." Advisory Action, continuation sheet. Applicant fails to understand how "authentication system" can be a reasonable interpretation of "challenge question" even based on ordinary meanings of these words, nonetheless in the context of the present specification. Thus, the rejections of Claim 1 and the claims depending therefrom over Dahm are clearly erroneous and should also be withdrawn at least as they are based on an unreasonably broad interpretation of the recitation "challenge question."

Independent Claims 13 and 25 contain corresponding recitations. Accordingly, the rejections of independent Claims 13 and 25 and the claims depending therefrom should be withdrawn for at least substantially similar reasons.

Therefore, Applicant respectfully requests that the present application be reviewed and the rejections of Claims 1, 3-10, 12-13, 15-23 and 25-31 be reversed by the appeal conference prior to the filing of an appeal brief.

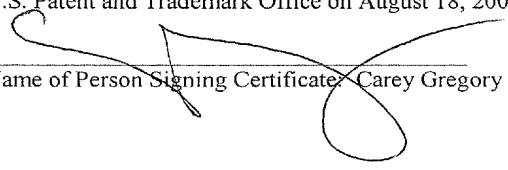
Respectfully submitted,


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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on August 18, 2008.

Signature: 
Typed or Printed Name of Person Signing Certificate: Carey Gregory

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